

FILED

October 17, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASUNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISIONBY: Tyler Martin
DEPUTY

VITRA DENISE FREDERICK

Plaintiff

v.

CITY OF LEON VALLEY, TEXAS

Defendant

CIVIL NO. SA-21-CV-381-OLG

ORDER

On this date, the Court considered the report and recommendation of United States Magistrate Judge Elizabeth S. Chestney, filed in the above-styled and numbered cause on September 22, 2023. Docket no. 22. Defendant, the City of Leon Valley, has objected to the recommendation in part. Docket no. 24. Plaintiff has not objected to the recommendation. The Court has reviewed the objected to portion of the recommendation *de novo*, pursuant to 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3). The Court has reviewed the remaining parts of the recommendation only to determine whether the findings are clearly erroneous or contrary to law.

In its sole objection, the City contends the Magistrate Judge misconstrued the City's proffered reason for adverse employment action. The Magistrate Judge determined, based on the evidence in the record, that the City's proffered reason for eliminating Plaintiff's position was budgetary. Docket no. 22, pp. 11-12. The City asserts, in its objection, that the proffered reason was "to reorganize and retain a large law firm with global experience to move the City of Leon Valley forward . . . [t]he City of Leon Valley decided to move from a one person city attorney in-house counsel with no support staff organization into hiring a large law firm whose expertise is providing City Attorney legal advice throughout the State of Texas." Docket no. 24, p. 4. Upon review, this allegation has no evidentiary support in the record.

It is therefore ORDERED that the Magistrate Judge's recommendation (docket no. 22) is ACCEPTED. For the reasons stated in the recommendation, the motion for summary judgment (docket no. 18) is GRANTED in part on the claims of sex and race discrimination and hostile work environment and DENIED in part on the retaliation claim. The remaining claim will proceed to trial unless the parties are able to reach a settlement.

SIGNED on the 17 day of October, 2023.



ORLANDO L. GARCIA
UNITED STATES DISTRICT JUDGE